



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 11

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March 11, 2010

Re: HMS Host International, Inc.
Case 11-RD-727

Mr. Walker Lee Ayers
13009 Yorkridge Drive, Apt. 223
Charlotte, NC 28273

Dear Mr. Ayers:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted at this time. The investigation disclosed that HMS Host International Inc. and UNITE HERE are parties to a valid 3-year collective-bargaining agreement, effective March 11, 2009, through March 10, 2012, thereby barring the processing of this petition. Further, there is insufficient evidence to show that the bargaining representative has undergone a schism undermining the stability of the collective-bargaining relationship. See *Hershey Chocolate Corp.*, 121 NLRB 901 (1958). Accordingly, I find that no question concerning representation exists, as the petition is barred by the existing collective-bargaining agreement. *Hexton Furniture Co.*, 111 NLRB 342, 344 (1955) (the Board generally will not entertain a representation petition seeking a new determination of the employees' bargaining representative during the term of a valid collective-bargaining agreement). I am, therefore, dismissing the petition in this matter.

Right to Request Review: Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111-102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on **March 25, 2010**, at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile

transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.¹ A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select the E-Gov tab, click on E-Filing, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Very truly yours,

/s/ Willie L. Clark, Jr.
Willie L. Clark, Jr.
Regional Director

cc: Office of the Executive Secretary

Mr. Larry Jenkins
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5501 Josh Birmingham Parkway #13
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275 Seventh Avenue
New York, NY 10001

¹ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

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